

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE  
COMPANY,

CIV: 22-cv-1473 (KAM) (PK)

Plaintiff,

**NOTICE OF MOTION**

-against-

KALNITECH CONSTRUCTION CORP.,  
DAVS PARTNERS LLC, STALIN RODRIGO  
REYES ESPINOZA and ASK ELECTRICAL  
CONTRACTING CORP.,

Defendants,

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**PLEASE TAKE NOTICE** that upon the annexed Declaration of Steven Verveniots dated February 12, 2024, with the exhibits annexed thereto, the Affidavit of David Johnson, sworn to February 8, 2024, with the exhibits annexed thereto, the plaintiff's Memorandum of Law dated February 12, 2024, the plaintiff's 56.1 Statement of Undisputed Facts dated February 12, 2024, and upon all prior pleadings and proceedings heretofore had herein, the undersigned will move this Honorable Judge Peggy Kuo, at the United States District Court for the Eastern District of New York, located at the Federal Building and United States Courthouse 225 Cadman Plaza E, Brooklyn, NY 11201, at a date and time chosen by the Court, for an Order, and judgment, pursuant to Rules 56(a) of the Federal Rules of Civil Procedure and Local Rules of this Court, awarding:

A) a declaration that FALLS LAKE NATIONAL INSURANCE COMPANY ("Falls Lake") has no duty to defend or indemnify any party in this action as to the accident and claims asserted in both the underlying action captioned Stalin Rodrigo Reyes Espinoza v. Davs Partners LLC and Kalnitech Construction Company, filed in the Supreme Court of the State of New York, County of Kings under Index Number 515197/2019 (the "First Action") as to which Falls Lake denied coverage but is affording a defense to Kalnitech

Construction Company subject to the determination of a Court of Competent jurisdiction as to the rights and obligation of the plaintiff under the policy of insurance issued to Kalnitech; and as to the underlying lawsuit entitled Stalin Rodrigo Reyes Espinoza v. Ask Electrical Contracting Corp., filed in the Supreme Court of the State of New York, County of Kings County under Index Number 514760/2022 (“The Second Action”) as to which Falls Lake also denied coverage. (Both lawsuits are collectively referred hereto as the “Espinoza Actions”); as well as

B) Such other and further relief as the Court deems just and proper.

Dated: Mineola New York  
February 12 , 2024

MIRANDA SLONE SKLARIN VERVENIOTIS LLP  
*Attorneys for Plaintiff*  
FALLS LAKE NATIONAL  
INSURANCE COMPANY

s/Steven Verveniotis

By: \_\_\_\_\_  
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Our File No. 19-208

cc:

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